

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL KULAKOWSKI,

Plaintiff,

vs.

WESTROCK SERVICES, INC.,

Defendant.

Case Number: 3:16-CV-02510

**Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern**

DECLARATION OF JERRY HARVILLE

1. My name is Jerry Harville. I am over 18 years of age and the information contained in this declaration is from my own personal knowledge.

2. I have worked for WestRock Services, Inc. ("WestRock") and its predecessors for 28 years in Gallatin, Tennessee.

3. I know Michael Kulakowski ("Michael"). He is also employed at WestRock. Michael and I are friends.

4. Until August 2016, Tommy Whited ("Tommy") was the General Manager of WestRock's facilities in Gallatin. Michael and I worked for Tommy for a long time. Tommy was hard to work for at times. He could be temperamental. He wanted things at the facility done his way. When things were not done his way, he could be intimidating and a bit of a bully. He would threaten employees, Michael and I included, when he was upset with the way something was handled at the facility. For example, if product wasn't loaded properly or the shipping office was not in the order Tommy wanted, he would get upset and threaten to fire people. While Tommy's moods could be hard to deal with, I never complained about it because I did not think it would do any good. Tommy ran a successful facility.

5. I never heard Tommy threaten Michael or any other employee over something that was not related to job performance. Michael is the type of person that gets excited very quickly over things. He seemed to be intimidated by Tommy's threats.

6. Tommy also tended to horseplay with employees. From what I observed, he only did this with long term employees. Tommy would play around by back hand slapping people in the groin. I saw him do this to Michael a few times over the years. He also did it to me three times over the years. This was Tommy's way of playing around and trying to be one of the boys. I did not like it when Tommy hit me so I hit him back and told him not to do it again. I did not have any reason to report Tommy's horseplay. I really did not view it as that big of a deal. I'd hit him back and he would stop.

7. Tommy also used cuss words in the facility. When he got mad at people who did something the wrong way, he would yell and cuss. He did this on the floor where both men and women work. I did hear Tommy, on one occasion, tell Michael "suck my dick." Tommy was not actually asking Michael to give him oral sex. Tommy was making a point that something was not going to happen similar to when someone says "when pigs fly" or "hell no." I was a bit surprised by Tommy's comment because it was pretty crass. I did not, however, view it as sexual harassment because of the context he used it in.


8. I understand Michael is now suing WestRock Services for sexual harassment. I did not view Tommy's slapping Michael or myself in the groin as sexual harassment. It was just Tommy's way of playing around. Michael never complained to me that he thought Tommy was sexually harassing him. He never complained to me about Tommy hitting him. Michael would complain that Tommy was hard on him or mad about things going on in the shipping department

but he never said anything about harassment. If he had, I would have told him to call the company hotline.

9. No one has promised me anything or coerced me in any way to make this declaration. No one has put any pressure on me to say or not say anything whatsoever.

10. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19TH day of January, 2018



Jerry Harville